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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 STEVEN LIVADITIS,

12 Petitioner,

13 v.

14 ROBERT K. WONG, Warden,
15 California State Prison at San
Quentin,

16 Respondent.
17

CASE NO. CV 96-2833 SVW

DEATH PENALTY CASE

ORDER TO SHOW CAUSE

18 An evidentiary hearing in this matter was set to begin on April 28, 2010.
19 Pursuant to the Court's order, the parties were to file all direct testimony by
20 declaration one month before the hearing. The Court indicated that it would permit
21 only live cross-examination and redirect at the hearing. On the eve of the hearing,
22 respondent filed an ex parte application to supplement the direct testimony
23 declaration of Dr. John T. Dunn, respondent's only witness. This change to Dr.
24 Dunn's declaration significantly altered the evidence being presented at the
25 hearing. As a result, it was necessary to excuse a witness for petitioner who had
26 traveled from Connecticut to California for the hearing. That witness will have to
27 return to California when the hearing resumes on June 15, 2010.

28 Accordingly, respondent's attorneys, James William Bilderback II, Keith

1 Bojorn, A. Scott Hayward, J. Michael Lehmann, Blythe Leszkay, Victoria B.
2 Wilson, and any other attorney for respondent who knew about or worked on the
3 belated application to augment Dr. Dunn's direct testimony declaration, are
4 ordered to show cause why they should not be sanctioned individually for the costs
5 associated with the unnecessary travel of Dr. Sanislow. Responses to the order to
6 show cause are due within ten days of entry of this order.

7 IT IS SO ORDERED.

8 Dated: May 6, 2010.

A handwritten signature in dark ink, appearing to read "Stephen V. Wilson", is written over a horizontal line.

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10 STEPHEN V. WILSON
11 United States District Judge
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